

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Petition of Standing Rock
Telecommunications, Inc. to
Redefine Rural Service Areas

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WC Docket No. 09-197

**REPLY COMMENTS OF THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

The South Dakota Public Utilities Commission ("SDPUC") submits these reply comments regarding the Petition for Reconsideration of Standing Rock Telecommunications, Inc. ("SRTI"). In its Petition, SRTI requests reconsideration of the Wireline Competition Bureau's ("WCB") finding that the consent of the North Dakota Public Service Commission ("NDPSC") is needed in order to redefine the service area of a rural telephone company. The SDPUC requests that the Petition for Reconsideration be denied. The WCB correctly found that the consent of the NDPSC is required by FCC rules and that "the state commission is uniquely qualified to examine the proposed redefinition because of its familiarity with the rural telephone company's service area in question."¹

In SRTI's petition for redefinition, SRTI requested redefinition of incumbent local exchange carriers' ("LECs") service areas in North Dakota as well as the redefinition of three rural LECs that provide service in South Dakota.² In our comments regarding SRTI's redefinition request, the SDPUC declined to comment on the merits of SRTI's petition based on our understanding that any redefinitions of carriers in South Dakota by the FCC would come before the SDPUC when the FCC requested our concurrence.³

In addition, we pointed out that seeking the consent of state commissions was entirely consistent with past FCC decisions. In our comments we stated:

This procedure has been followed and affirmed by the FCC in previous decisions wherein the FCC has designated a carrier as an ETC. In

¹ *In the Matter of Telecommunications Carriers Eligible for Universal Service Support; Standing Rock Telecommunications, Inc. Petition for Designation as an Eligible Telecommunications Carrier; Petition of Standing Rock Telecommunications, Inc. to Redefine Rural Service Areas*, Memorandum Opinion and Order, WC Docket 09-197, paras. 25-29 (Aug. 24 2010).

² The redefinitions involving South Dakota rural telephone companies are on hold because they concern partial wire centers. Further comment is being sought on the issue of whether SRTI should be allowed to serve partial wire centers in order to serve the entire reservation. *SRTI Redefinition Order* at para. 29; *see also* Comment Sought on Whether Standing Rock Telecommunications, Inc. Should Be Designated an Eligible Telecommunications Carrier in Partial Wire Centers so that It Can Serve the Entire Standing Rock Sioux Reservation, WC Docket 09-197, Public Notice, DA 10-1602 (Wireline Comp. Bur. rel. Aug. 24, 2010).

³ Comments of the South Dakota Public Utilities Commission at 2 (filed March 26, 2010).

Highland Cellular, the FCC designated Highland Cellular, Inc. as an ETC and also redefined the service area of a rural telephone company in order to designate Highland Cellular, Inc. as an ETC in a service area that was different from the rural telephone company's study area.⁴ Then, as required by Section 54.207(d), the FCC submitted its order to the Virginia Commission for the Virginia Commission's review and agreement with the proposed redefinition.⁵ The FCC reaffirmed these redefinition procedures in its order regarding the Joint Board's recommended decision addressing ETC issues.⁶ The FCC stated it agreed "with the Joint Board that in redefining an incumbent LEC's service area so as to conform with the service area of a new ETC, the states and Commission should continue to work in concert to decide whether a different service area definition would better serve the public interest."⁷

The redefinitions in question involve redefining the service areas of incumbent rural telecommunications companies. As pointed out by the NDPSC, the issue is not about jurisdiction over SRTI, but involves jurisdiction over incumbent LECs.⁸ The WCB correctly determined that redefinitions require the concurrence of the state commission. The SDPUC requests that SRTI's Petition for Reconsideration be denied.

Respectfully submitted,

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSISON

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⁴ *Federal-State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 6438, paras. 12, 37-42 (2004).

⁵ *Id.* at 42; see also *Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 1563, para. 45 (2004).

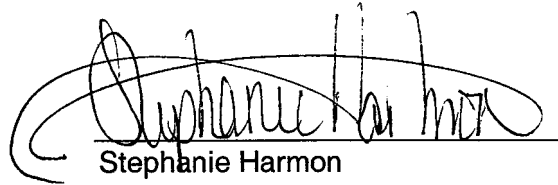
⁶ *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 20 FCC Rcd 6371, para. 74 (2005).

⁷ *Id.* The SDPUC notes that in the FCC's Pine Ridge ETC Designation Order, the FCC did not consult with the SDPUC before designating Western Wireless as an ETC for a service area that differed from rural telephone companies' study areas. See *In the Matter of Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota*, Memorandum Opinion and Order, CC Docket 96-45, 16 FCC Rcd. 18133, paras. 17-20 (2001). However, the SDPUC points out that the Pine Ridge ETC decision was made prior to the decisions cited above.

⁸ See North Dakota Public Service Commission Comments and Response to Petition for Reconsideration of Standing Rock Telecommunications, Inc. to Redefine Rural Service Area at 2 (filed November 15, 2010).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of November, 2010, a true and correct copy of the Comments of the South Dakota Public Utilities Commission was served via electronic mail to the following:



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